

DEC 22 2011

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

Clerk, U. S. District Court
Eastern District of Tennessee
At Knoxville

**LINCOLN MEMORIAL UNIVERSITY,
DUNCAN SCHOOL OF LAW,**

Plaintiff,

v.

THE AMERICAN BAR ASSOCIATION,

Defendant.

Case No. 3:11-CV-608

**MOTION FOR TEMPORARY RESTRAINING ORDER AND FOR PRELIMINARY
AND PERMANENT INJUNCTION**

Unfortunately, this emergency motion has become necessary because on December 20, 2011, Defendant American Bar Association (“ABA”) arbitrarily and capriciously and in order to restrain trade refused to grant provisional accreditation to the Lincoln Memorial University Duncan School of Law (“DSOL”). On the same day the ABA posted a “Memorandum” providing notice of this decision on its website. A copy of this Memorandum/Notice is attached as Exhibit A. The notice was widely disseminated to:

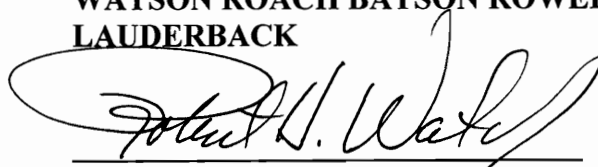
Deans of ABA-Approved Law Schools
University Presidents
Chief Justices of State Supreme Courts
Bar Admission Authorities
Licensing Agency for the State of Tennessee: Tennessee Higher Education Commission
U. S. Department of Education
Deans of Unapproved Law Schools
Leaders of Organizations Interested in Legal Education
Student Bar Association Presidents
ABA Section of Legal Education and Admissions to the Bar – Website Posting

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff DSOL moves the Court for a temporary restraining order (“TRO”) and preliminary injunction ordering the ABA to post on its website a statement that it has been ordered by this Court to remove Exhibit A from its website and to replace it with a statement that the ABA has been further ordered by this Court to hold any decision about DSOL’s accreditation in abeyance until further instructed by the Court. The injunction should further order the ABA to send this statement to all of the entities and organizations that received notice of Exhibit A.

Plaintiff also moves the Court for a permanent injunction requiring the ABA to grant DSOL provisional accreditation. Plaintiff requests that the Court consolidate the hearing on its motion for preliminary and permanent injunction with a trial on the merits as provided by Fed. R. Civ. P. 65(a)(2). This Motion is supported by the Verified Complaint and the attached Memorandum in Support of Plaintiff’s Motion for TRO and Preliminary and Permanent Injunction. Because Defendant will not suffer any costs or damages, DSOL requests that the Court exercise its discretion to not require the posting of any security to issue the preliminary injunction.

Respectfully submitted,

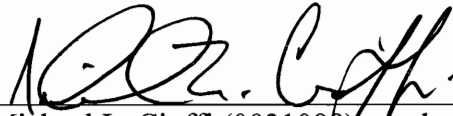
**WATSON ROACH BATSON ROWELL &
LAUDERBACK**

A handwritten signature in black ink, appearing to read "Robert H. Watson, Jr.", is written over a horizontal line.

Robert H. Watson, Jr. (001702)

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A handwritten signature in black ink, appearing to read "Michael L. Cioffi", written over a horizontal line.

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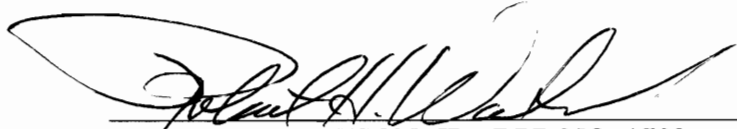
Attorneys for Plaintiff, Duncan School of Law

CERTIFICATE OF SERVICE

I hereby certify that on Thursday, December 22, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by certified U.S. mail, return receipt requested. Parties may access this filing through the Court's electronic filing system:

The American Bar Association
c/o Registered Agent R. Thomas Howell, Jr.
321 Clark Street
Chicago, Illinois 60654

Dated December 22, 2011.



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AMERICAN BAR ASSOCIATION

December 20, 2011

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and Admissions to the Bar

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MEMORANDUM

TO: Deans of ABA-Approved Law Schools
University Presidents
Chief Justices of State Supreme Courts
Bar Admission Authorities
Licensing Agency for the State of Tennessee:
Tennessee Higher Education Commission
U. S. Department of Education
Deans of Unapproved Law Schools
Leaders of Organizations Interested in Legal Education
Student Bar Association Presidents
ABA Section of Legal Education and Admissions to the Bar –
Website Posting

FROM: Hulett H. Askew, Consultant on Legal Education
to the American Bar Association

SUBJECT: Lincoln Memorial University, Duncan School of Law

At its December 2-3, 2011 meeting, the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association denied the application for provisional ABA approval submitted by Lincoln Memorial University, Duncan School of Law, located in Knoxville, Tennessee. The Lincoln Memorial University, Duncan School of Law, was notified in writing of the Council's decision on December 20, 2011. Pursuant to ABA Internal Operating Practice 5 of the Section of Legal Education and Admissions to the Bar, this public memorandum is being issued within 24 hours of the time the School was notified of the Council's decision.

Rule 10 of the ABA Rules of Procedure for Approval of Law Schools provides for a right of appeal in the event of an adverse approval decision of the Council. The appeal must be written, must be submitted within 30 days, and must conform to the specific requirements of Rule 10. If an appeal is submitted by the School to the Consultant's Office, and filed in accordance with the provisions of Rule 10, by January 19, 2012, the appeal will be considered by an Appeals Panel and the Council's December 2011 decision will be stayed pending the specific procedures and the final outcome of the School's approval status, as outlined in Rule 10.

cc: Council of the Section of Legal Education and Admissions to the Bar
Accreditation Committee
Dean Sydney A. Beckman

